IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

CRL.A.No. 796 of 2000()

ST.328/1999 of ADDL. CHIEF JUDICIAL MAGISTRATE COURT, TRIVANDRUM

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APPELLANT: COMPLAINANT

INDIRA VALSON, T.C.1/1331
SRUTHI, POONTHI ROAD
KUMARAPURAM, THIRUVANANTHAPURAM.

BY ADV. SRI.V.R.GOPU

RESPONDENTS: ACCUSED AND STATE

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1. GEETHA.S.
   VETTUVILA VEEDU
   K.P.206, KANNAMOOLA
   MEDICAL COLLEGE P.O.
   THIRUVANANTHAPURAM.

2. STATE OF KERALA,
   REPRESENTED BY THE PUBLIC PROSECUTOR
   HIGH COURT OF KERALA
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 19/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.A.No.796 of 2000

Dated this the 19th day of June, 2007

JUDGMENT

The appellant is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act. The accused stands acquitted under Section 256(1) of Crl.P.C. as the complainant was absent.

2. It is submitted that the lapse was on account of the wrong noting of the posting date. The order of the court below is set aside. The court below is directed to permit the appellant to further proceed with the matter and dispose of the case on merits. The court below shall issue fresh summons to the accused. The appellant shall appear before the court below on 23.7.2007.

The appeal is allowed.

K.R.UDAYABHANU,
JUDGE

csl